

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl. Misc. No. M-17169 of 2017

Date of Decision : February 02, 2018

Ajaib SinghPetitioner

Versus

State of Punjab and another Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Ms. Satpreet Grewal, Advocate
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Shiv Narayan, Advocate
for respondent No.2.

...

LISA GILL, J. (Oral)

The petitioner seeks the concession of anticipatory bail in FIR No. 22 dated 15.03.2017 under Sections 498-A, 406 IPC registered at Police Station Chabbewal, District Hoshiarpur.

It is submitted that the above-said FIR was registered due to temperamental differences between the petitioner and respondent No.2. Marriage of the petitioner and respondent No.2 was solemnized on 22.10.2010. Two children, a son and a daughter, were born out of this wedlock. As per allegations in the FIR, soon after solemnization of marriage the petitioner and other members of the in-laws family starting ill-treating the complainant including physical abuse on account of bringing insufficient dowry. It is stated that on 14.08.2016 at about 06:30 A.M. the complainant was beaten by the petitioner and other family members and thrown out of the matrimonial home on 15.08.2016. However, they kept

both the children with them. It is further stated that on 15.08.2016 she lodged a report in this regard. The complainant stated that she was not even wearing her footwear while going to Hoshiarpur. Her medical examination was conducted. The matter was compromised on 16.08.2016. The complainant proceeded to her matrimonial home for the sake of her children. Initially, she was lodged on the upper storey of the in-laws house but thereafter with ulterior motives, rented accommodation in village Rihana Jattan was taken by the petitioner in connivance with his parents on 18.01.2017. However, the husband used to spend most of his time with his parents and did not take any care of the complainant or the children. Even the fees of the children was not deposited and ultimately the petitioner deserted her at the rented accommodation and went back to his home at village Simbli. It is thereafter that the present FIR was registered on 15.03.2017. Learned counsel for the petitioner vehemently argues that no case under Sections 498-A/406 IPC is made out. Therefore, the present petition be allowed.

It is to be noticed that while issuing notice of motion it was specifically noted that the petitioner is ready and willing to settle the entire dispute with the complainant in an amicable manner. Parties were referred to the Mediation & Conciliation Centre of this Court. However, mediation failed. The complainant repeatedly expressed her wish and desire to cohabit with the petitioner in the matrimonial home or even in separate premises with her husband away from the in-laws family. However, the petitioner has flatly refused to rehabilitate the complainant in any manner.

Learned counsel for the State, on instructions from ASI Vijyant Kumar, verifies that the petitioner did join investigation but recovery is yet

to be effected from him. Medico-legal report in respect to the injuries received by the complainant in the alleged incident on 14/15th August 2016 is available on the police file.

Keeping in view the facts and circumstances of the case and the conduct of the petitioner, I do not find any ground to afford the concession of anticipatory bail to the petitioner.

The petition is accordingly dismissed.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

02.02.2018

rupi

**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No